



Partners  
Dawn M. Cardi  
Chad L. Edgar

Associates  
Jessica Friedrich  
Joanna C. Kahan

Of counsel  
Nina Epstein  
Diane Ferrone

September 7, 2022

**BY ECF**

Honorable Naomi Reice Buchwald  
United States District Judge  
United States District Court  
For the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v Karim Elkorany, S2 20 Cr.437 (NRB)

Dear Judge Buchwald:

Pursuant to the Court's request, we write to elaborate as to the necessity for an adjournment of defendant Karim Elkorany's sentencing from September 29, 2022 until either November 3 or 4<sup>th</sup>. We have conferred with our expert to determine what he needs to do in order assist us by providing a report in conjunction with the sentencing submission that we will be preparing on behalf of our client. He advised that he has been reviewing relevant documentation; the universe of that documentation is substantial. On September 21, 2022, he will be meeting with Mr. Elkorany for at least four hours. His visit has been approved by the Bureau of Prison. Assuming he is able to see our client on that date, and given the recent history of unilateral and sudden cancellations of visits at the Metropolitan Detention Center there are no guarantees, he expects that the process of reviewing his notes and other data and then preparing a report will take approximately a week to ten days. As mentioned above, we intend to use his report in conjunction with and as support of our position in defendant's sentencing memorandum. As previously disclosed, the undersigned will be out of the country from October 6 through October 22<sup>nd</sup>. The expert will be available, assuming his testimony is needed, during the first week of November.<sup>1</sup> The undersigned is on trial on November 1, and 2<sup>nd</sup>, but available on the 3<sup>rd</sup> and 4<sup>th</sup> and other days thereafter.

---

<sup>1</sup> Our expert will be attending a conference the last week in October, so has advised that the first week in November would be better.

Honorable Naomi Reice Buchwald  
United States District Judge  
September 7, 2022  
p. 2

As of today, the Probation Office has provided an updated version of Mr. Elkorany's Presentence Investigation Report. We have briefly reviewed it; according to the recommendation therein, the Probation Office recommends a sentence of 15 years. In light of this considerable period of imprisonment that the Probation Office recommends and that is presumably a starting point for this Court's consideration of an appropriate sentence, Mr. Elkorany deserves to have every opportunity to bring to this court the substantive information necessary to determine what a just sentence should be in this case.

The Government pushes for the sentencing to remain as scheduled because certain victims prefer not to wait an additional month to speak to the Court. While we understand that it can be difficult to prepare for an event that brings with it anxiety only to have it adjourned, that discomfort must be weighed against Mr. Elkorany's right to put on a defense at his sentencing, which has Constitutional dimensions. In the larger scheme of things, Mr. Elkorany's right to put on his best defense should be elevated above all other considerations. The government also rejects the substitute of videoconferencing as a medium for victims to offer statements to this Court; yet, parties have routinely resorted to videoconferencing during COVID and it has become viewed as a reasonable resort when other alternatives are foreclosed.

For all of the reasons stated above, Mr. Elkorany's first request for an adjournment should be granted, as it was not caused by any sort of delay tactics on the part of defendant or his counsel, as the government appears to imply but rather caused by the defendant family's financial struggles, bureaucratic red tape at the Metropolitan Detention Center, and the scheduling constraints of counsel and its expert.

Should the Court seek any additional information, we will respond forthwith.

Respectfully submitted

/s/

Dawn M. Cardi

cc: AUSA Daniel Richenthal  
AUSA Robert Sobelman  
AUSA Amanda Houle  
AUSA Lara Pomeranz